

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Thomas J. LA ROSA *et al.*

Appln. No.: 10/612,783

Filed: July 2, 2003

For: Nucleic Acid Molecules and Other
Molecules Associated with Plants and
Uses Thereof for Plant Improvement

Art Unit: 1638

Examiner: Phuong T. Bui

Confirmation No.: 2839

Atty. Docket: 16517.288

Information Statement

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicants draw the Examiner's attention to NCBI BLASTN accession numbers included in the accompanying Information Disclosure Statement. The listed accession numbers were obtained by conducting a BLASTN analysis of SEQ ID NO: 3366 through the National Center of Biotechnology Information (NCBI) website (<http://www.ncbi.nlm.nih.gov/blast/Blast.cgi>). To conduct the BLASTN analysis and obtain the listed BLASTN accession numbers, Applicants entered the nucleotide sequence of SEQ ID NO: 3366 into the "Enter Query Sequence" box on the NCBI website and selected to search the database entitled "nucleotide collection (nr/nt)," limiting the search to "somewhat similar sequences." The BLASTN algorithm of the website then performed an alignment of SEQ ID NO: 3366 with other somewhat similar sequences located in the "nucleotide collection (nr/nt)" database. The resulting alignment allowed

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Applicants to compare the identity of SEQ ID NO: 3366 with other sequences represented by respective accession numbers.

Applicants also draw the Examiner's attention to NCBI BLASTP accession numbers included in the accompanying Information Disclosure Statement. The listed accession numbers were obtained by conducting a BLASTN analysis of SEQ ID NO: 6915 through the National Center of Biotechnology Information (NCBI) website (<http://www.ncbi.nlm.nih.gov/blast/Blast.cgi>). To conduct the BLASTP analysis and obtain the listed BLASTP accession numbers, Applicants entered the amino acid sequence of SEQ ID NO: 6915 into the "Enter Query Sequence" box on the NCBI website and selected to search the database entitled "non-redundant protein sequences (nr)," limiting the search to "blastp (protein-protein BLAST)." The BLASTP algorithm of the website then performed an alignment of SEQ ID NO: 6915 with other protein sequences located in the "non-redundant protein sequences (nr)" database. The resulting alignment allowed Applicants to compare the identity of SEQ ID NO: 6915 with other sequences represented by respective accession numbers.

Applicants respectfully remind the Examiner that the mere listing of a reference in an information disclosure statement is not taken as an admission that the reference is prior art against the claims. *See Riverwood Int'l Corp. v. R.A. Jones & Co.*, 324 F.3d 1346, 1354-55, 66 USPQ2d 1331, 1337-38 (Fed Cir. 2003). Likewise, Applicants believe the claimed subject matter to be patentable over the polynucleotide and amino acid sequences represented by both the BLASTN and BLASTP accession numbers listed above and invite the Examiner to contact the undersigned with any questions. If the Examiner believes, for any reason, that personal

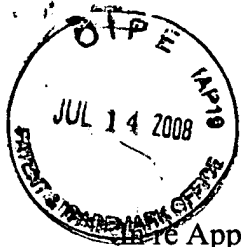
communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

Holly Logue Prutz (Reg. Atty. No. 47,755)
David R. Marsh (Reg. Atty. No. 41,408)

Date: July 14, 2008

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Dear Sir:

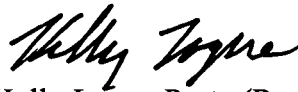
The attention of the Examiner is invited to consider the references listed on the attached Form PTO-1449. Copies of the references are submitted herewith.

It is respectfully requested that the information above be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Certification and/or Fee

Because this Information Disclosure Statement is being submitted after issuance of the first action on the merits of the above-captioned application, a fee of \$180.00 is due pursuant to 37 C.F.R. § 1.17(p). Authorization to charge the official fees for this filing is given in the accompanying transmittal letter.

Respectfully submitted,



Holly Logue Prutz (Reg. No. 47,755)
David R. Marsh (Reg. No. 41,408)

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